

EXHIBIT 7

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

LINDA McMAHON, *et al.*,

Defendants.

C.A. No. 1:25-cv-10601

**DECLARATION OF
SHERIA SMITH**

DECLARATION OF SHERIA SMITH

Pursuant to 28 U.S.C. § 1746, I, Sheria Smith, hereby declare as follows:

1. I am a resident of Texas. I am over the age of 18 and have personal knowledge of all the facts stated herein. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am also the president of AFGE Local 252, a role I have held since 2019. I am also a Civil Rights Attorney at the Department of Education's Office of Civil Rights (OCR), a position I have held since 2016.

3. This declaration is submitted in support of the States' Request for a Preliminary Injunction.

4. As president of AFGE Local 252, I work with the agency leadership to negotiate workplace policies that impact the bargaining unit, which includes roughly 2,800 employees nationwide who are non-supervisors, non-managers, and non-politically appointed employees in the Department of Education ("the Department").

5. On March 11, AFGE Local 252 received a formal notice of the Department's "intent to implement a department-wide reduction-in-force (RIF)" to the AFGE Local 252 email account, to which I have access. Annexed hereto as Exhibit 1 is a true and correct copy of this email, dated March 11, 2025 ("the March 11 RIF Notice"). There were two attachments to this email: one, a spreadsheet called listing all bargaining unit employees impacted by the RIF, and two, an organizational chart entitled "Competitive Areas." Annexed hereto as Exhibit 2 is a true and correct copy of the "Competitive Areas" chart attachment, dated March 11, 2025. To my understanding, this email and its attachments are not confidential, and I understand the "Competitive Areas" attachment (Exhibit 2) was also made public in a *Politico* article.

6. As an employee of OCR, I personally received notice that I would be included in the RIF less than two hours after AFGE Local 252 received the March 11 RIF Notice. The email was sent by Chief Human Capital Officer, Jacqueline Clay and stated, "your organizational unit is being abolished along with all positions within the unit—including yours." A true and correct copy of this email is annexed hereto as Exhibit 3 to this Declaration, dated March 11, 2025. To my understanding, the "organizational unit" referenced by Ms. Clay is the Dallas branch of OCR ("OCR-Dallas").

7. As president of AFGE Local 252, I have knowledge and experience with the protocols required when an agency implements a RIF, including experience with the Department's implementation of RIFs in the past.

8. The March 11 RIF Notice did not comply with normal protocols or regulations as laid out in 5 C.F.R. Part 351 and as required by AFGE Local 252's collective bargaining agreement (CBA) with the Department.

9. The union should receive a RIF notice 20 workdays before any employee that we represent receives such notice. Instead, employees received emails informing them of the RIF less than two hours after the union did. The purpose of the 20-day lead time is to provide adequate time for the union to have briefings and discuss why the agency is eliminating certain areas and employees and not others. There are rules that dictate which employees should be retained based on factors such as seniority, veteran status, or performance. Employees may have the right to “bump” (replace) another employee with lower retention standing in the same competitive level, or to “retreat” to a previously held position. According to our CBA, the Department also must provide the union with an employee registry listing who has seniority, veteran status, and rehire rights. If that list is not available when they send us the notice, it is normally made available to discuss during briefing.

10. Following receipt of the March 11 Notice, we requested that the Department schedule a formal briefing. To date, they have not provided a date for this briefing. They also have not provided us with the retention registry, which we have a right to review.

11. The attachments to the March 11 Notice email included a spreadsheet listing every employee in the AFGE Local 252 bargaining unit whom the Department determined should be included in the RIF, and a “Competitive Areas” organizational chart (Exhibit 2) in which certain units of the Department are shaded in red. In the March 11 Notice email, another attachment included a spreadsheet of all the bargaining unit employees included in the planned RIF. The spreadsheet lists 970 bargaining unit employees, which constitutes 35 percent of the 2,770 bargaining unit employees as of March 5, 2025. I cross referenced this spreadsheet with the “Competitive Areas” chart and determined that the organizational units shaded in red are units in which every single bargaining unit employee is planned to be eliminated in the RIF.

12. The spreadsheet attachment to the March 11 Notice does not include bargaining unit employees who have accepted incentives from the Department to voluntarily leave the organization, including the Deferred Resignation Program, the Voluntary Early Retirement Authority (VERA), and the Voluntary Separation Incentive Payment (VSIP). We have requested the number of bargaining unit employees who have accepted these offers but have not received a response from the Department. We understand the number of employees to have left under these voluntary incentive programs to be substantial, on top of the employees impacted by the planned RIF.

13. Since March 11, 2025, AFGE Local 252 has filed two grievances with the Department. The first grievance is related to the Department's restructuring of the agency without giving the union notice and opportunity to bargain that restructuring. The second grievance is the Department's deficiency in giving the union adequate notice of the RIF before informing employees and without an opportunity for a briefing in advance, as required.

14. As a Civil Rights Attorney at OCR-Dallas, I have knowledge of the work for which OCR-Dallas is responsible. OCR-Dallas is one of the busiest and largest offices within OCR, having jurisdiction over all civil rights complaints in Texas, Mississippi, and Louisiana. I am unaware of what will become of that work, including open complaints submitted to our office. OCR-Dallas' work is mandated by statute like the Civil Rights Act of 1964 and the Americans with Disabilities Act. I do not believe this statutorily mandated work can be completed by the few staff remaining in OCR as a whole.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct.

Executed on March 21, 2025 in Dallas, Texas.

/s/ Sheria Smith

SHERIA SMITH

EXHIBIT 1



AFGE Local 252 <info@afge252ed.org>

Formal Notice re: Implementation of a Department-Wide RIF

Riase, Adriane <Adriane.Riase@ed.gov>
To: AFGE Local 252 <info@afge252ed.org>
Cc: Labor Relations <laborrelations@ed.gov>

Tue, Mar 11, 2025 at 4:45 PM

Good afternoon, AFGE Officials,

Consistent with President Trump's February 25, 2025, Executive Order titled *Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative* (the "Order"), this is official notice of the Agency's intent to implement a department-wide reduction in force (RIF). The Executive Order directed agencies to "eliminat[e] waste, bloat, and insularity" to "empower American families, workers, taxpayers, and our system of Government itself" and agency heads to "promptly undertake "preparations to initiate large-scale reductions in force. This action will impact approximately bargaining 969 unit employees nation-wide.

Attachments:

- Excel File: List of the bargaining unit employees impacted (1st attachment)
- PowerPoint: Competitive areas impacted in each POC (2nd attachment)

The RIF actions will be effective on or after Monday, June 9, 2025.

Pursuant to the terms of Section 8.02(D) of the Parties' collective bargaining agreement (CBA), please let us know on or before Tuesday, March 18, 2025, if you would like a formal briefing on this matter.

Thanks,

ADR

Adriane Riase**Director & Chief Negotiator****Labor & Employee Relations Division****Office of Human Resources****U.S. Department of Education****Email:** adriane.riase@ed.gov**Cell Phone:** (202) 710-6487

Phone Number: (202) 219-6066



2 attachments

 **UnionWorkforceReshapingList(031125).xlsx**
82K

 **Competitive Areas- Union.pdf**
520K

EXHIBIT 2



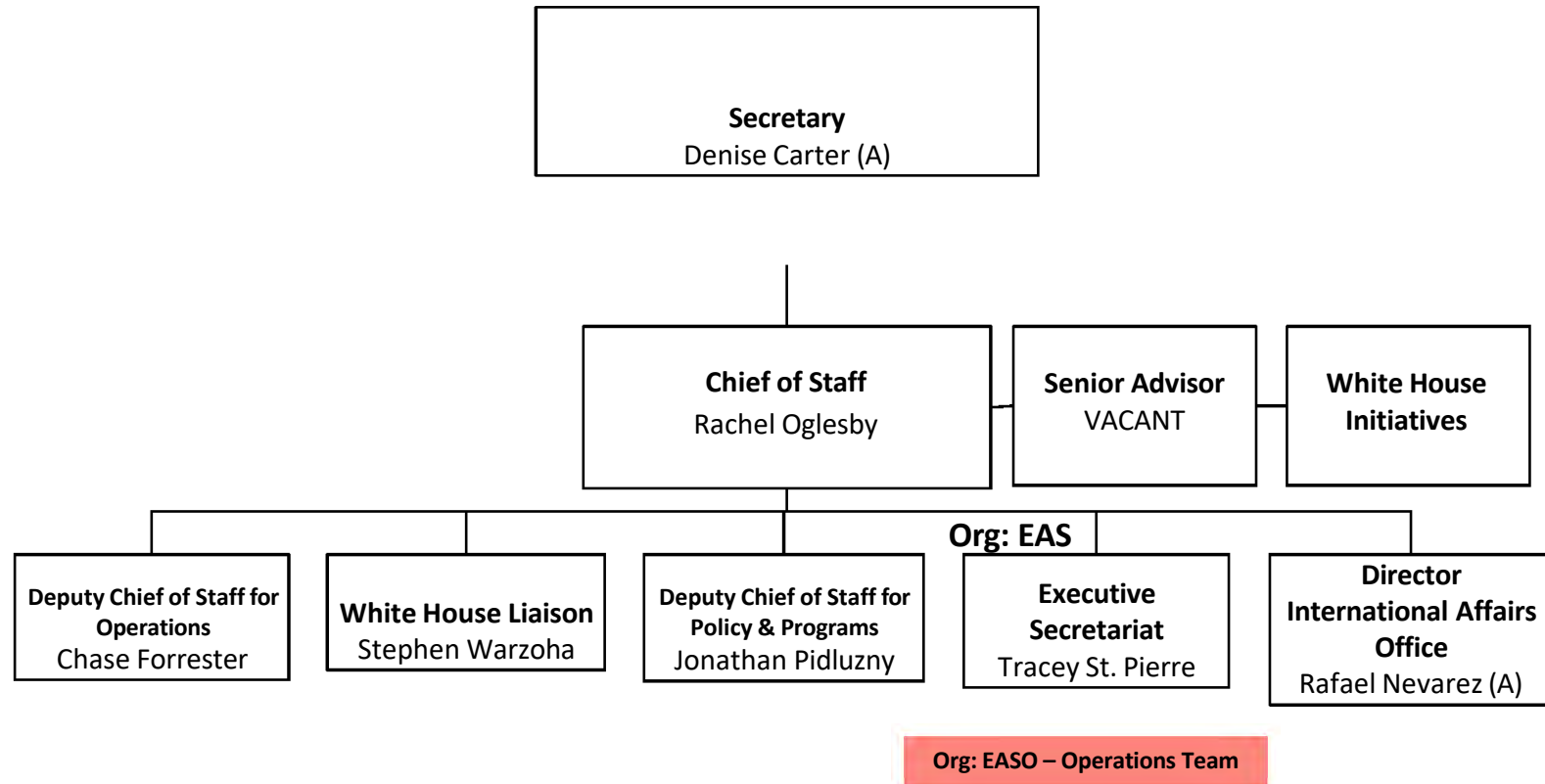
U.S. Department of Education Organizational Charts

Version Date – March 11, 2025

Organizational Charts

U.S. Department of Education

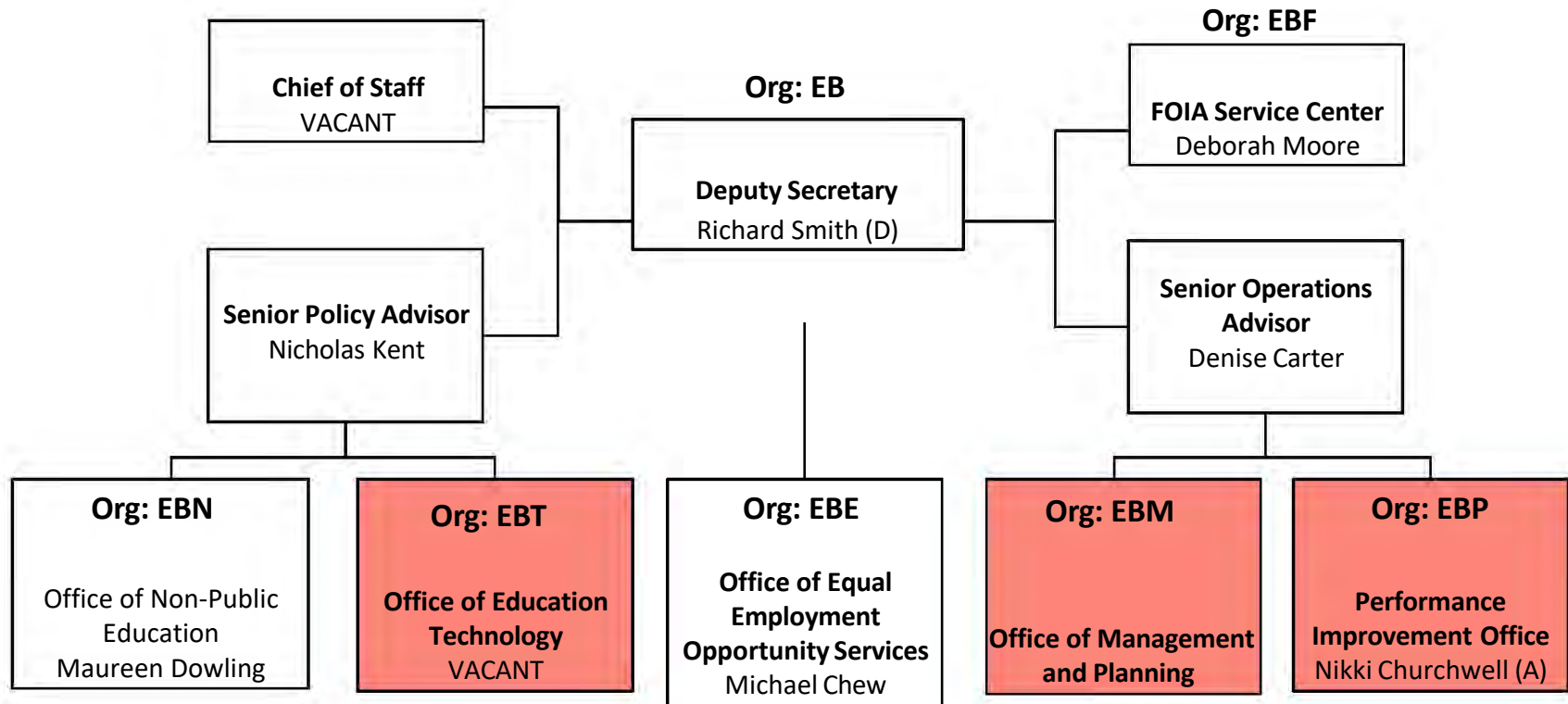
Office of the Secretary
(OS)



Organizational Charts

U.S. Department of Education

Office of the Deputy Secretary
(ODS)

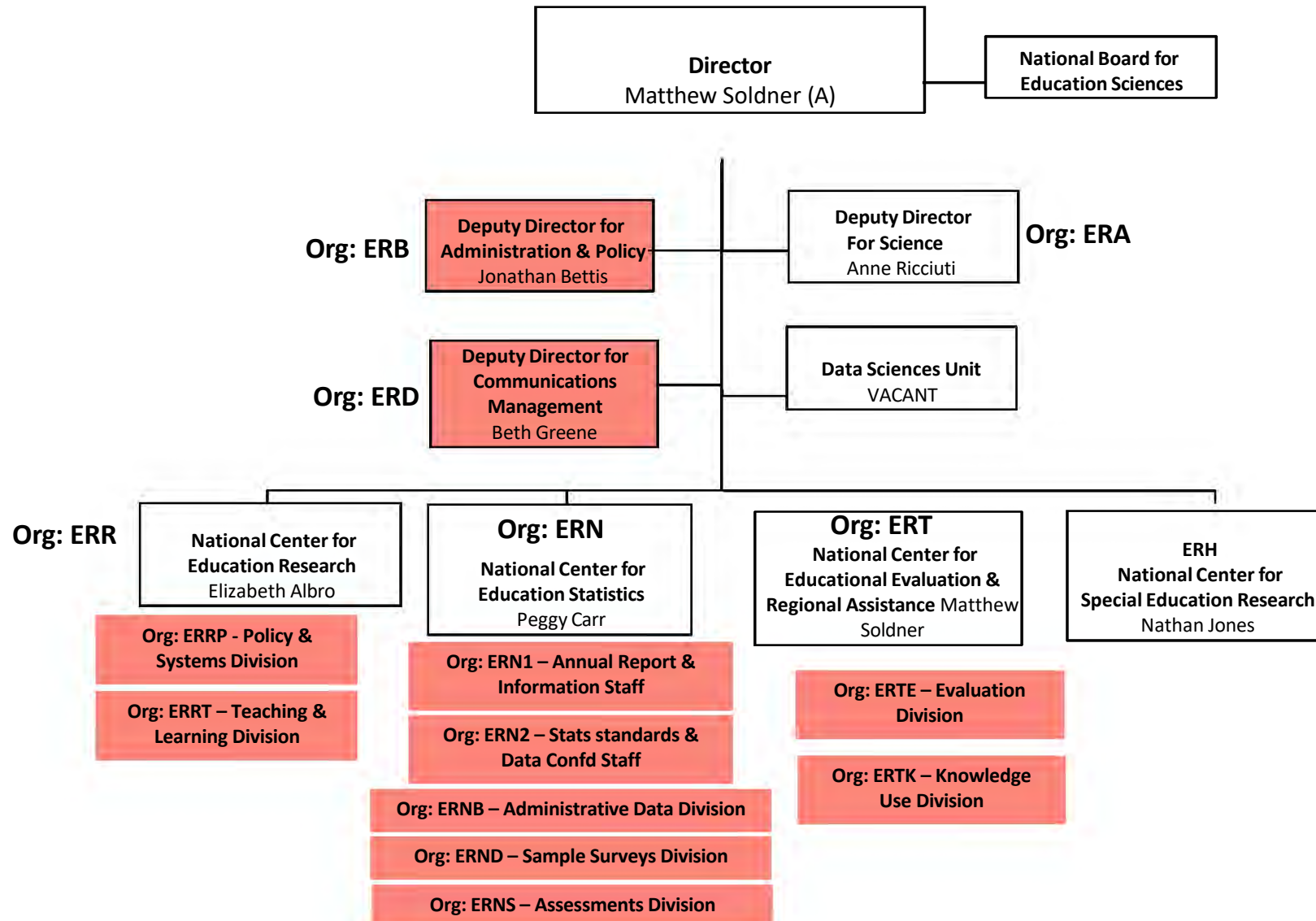


Organizational Charts

U.S. Department of Education

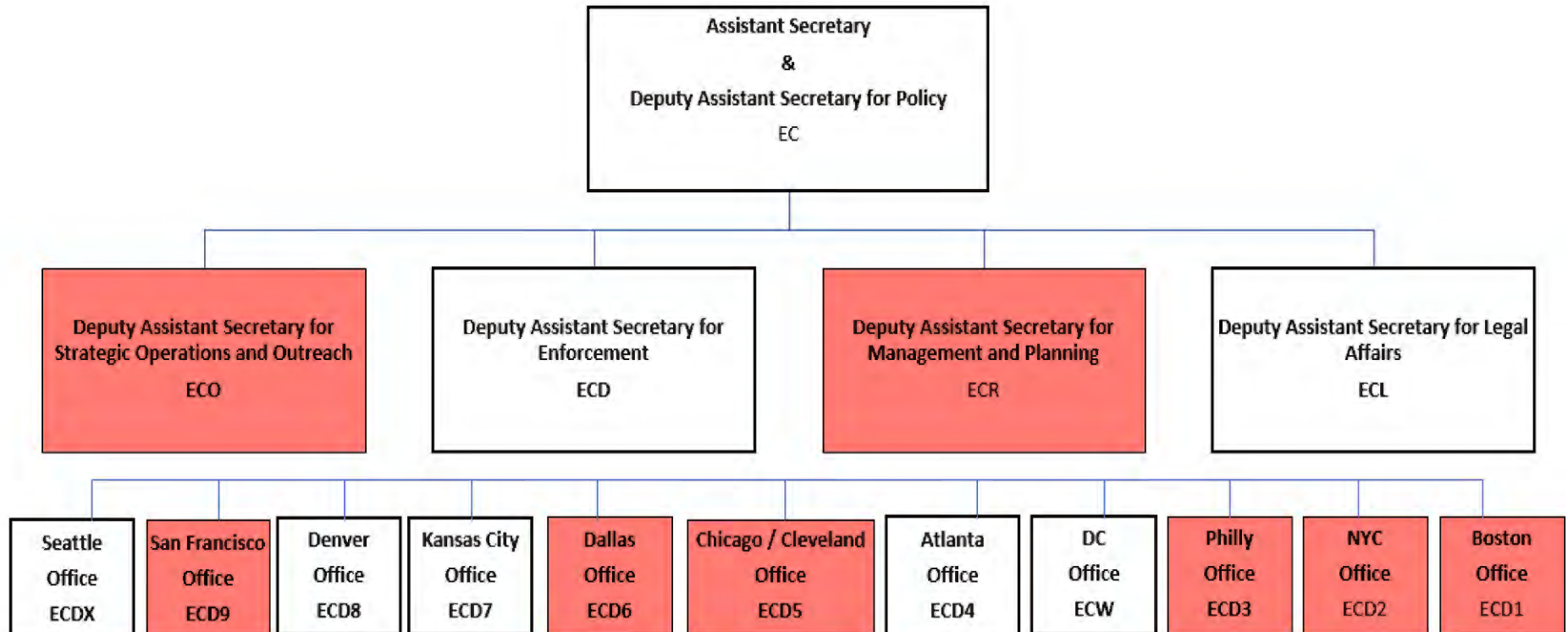
Institute of Education Sciences
(IES)

Org: ER



Office for Civil Rights (OCR)

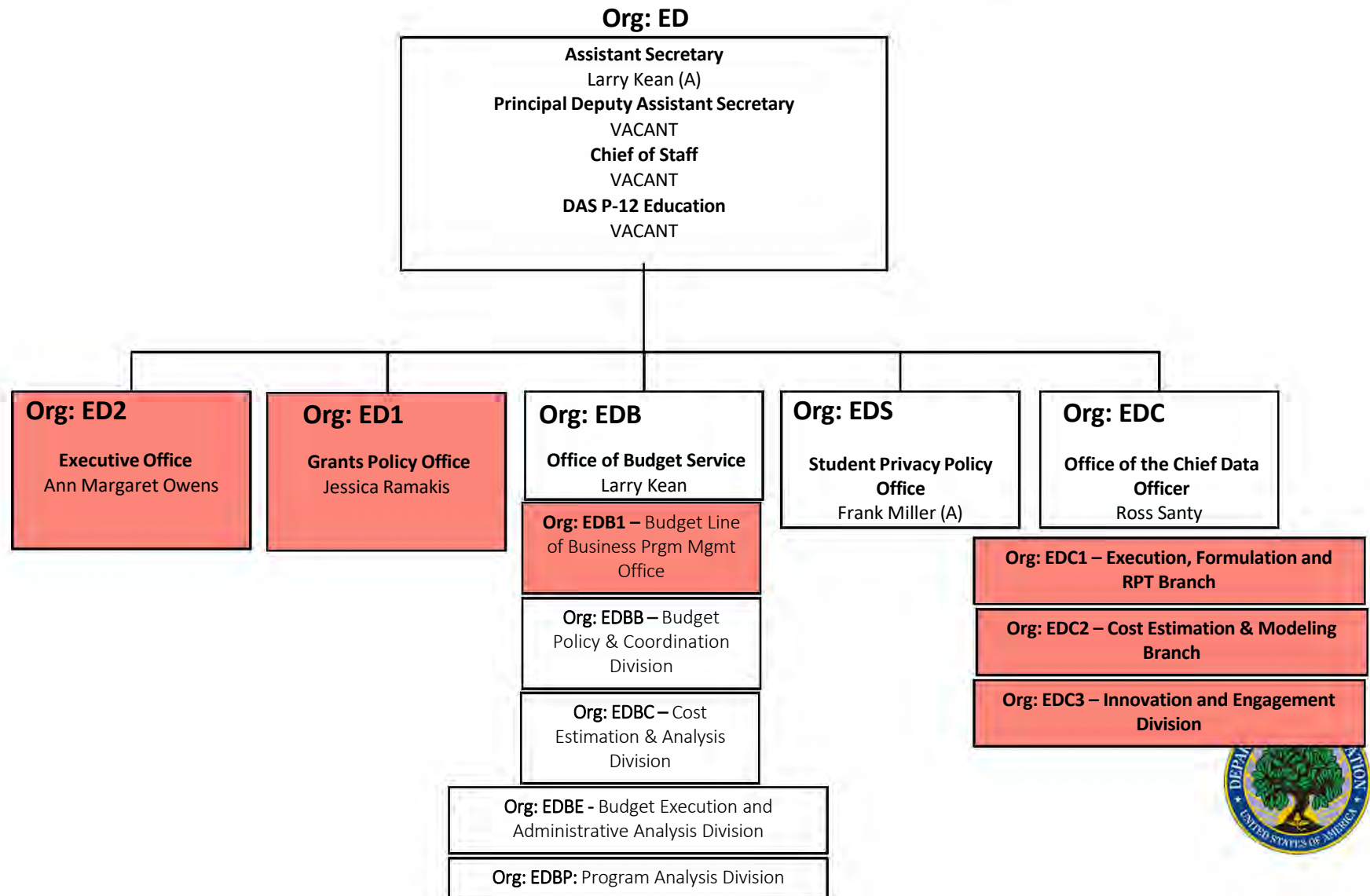
Office for Civil Rights (OCR)



Organizational Charts

U.S. Department of Education

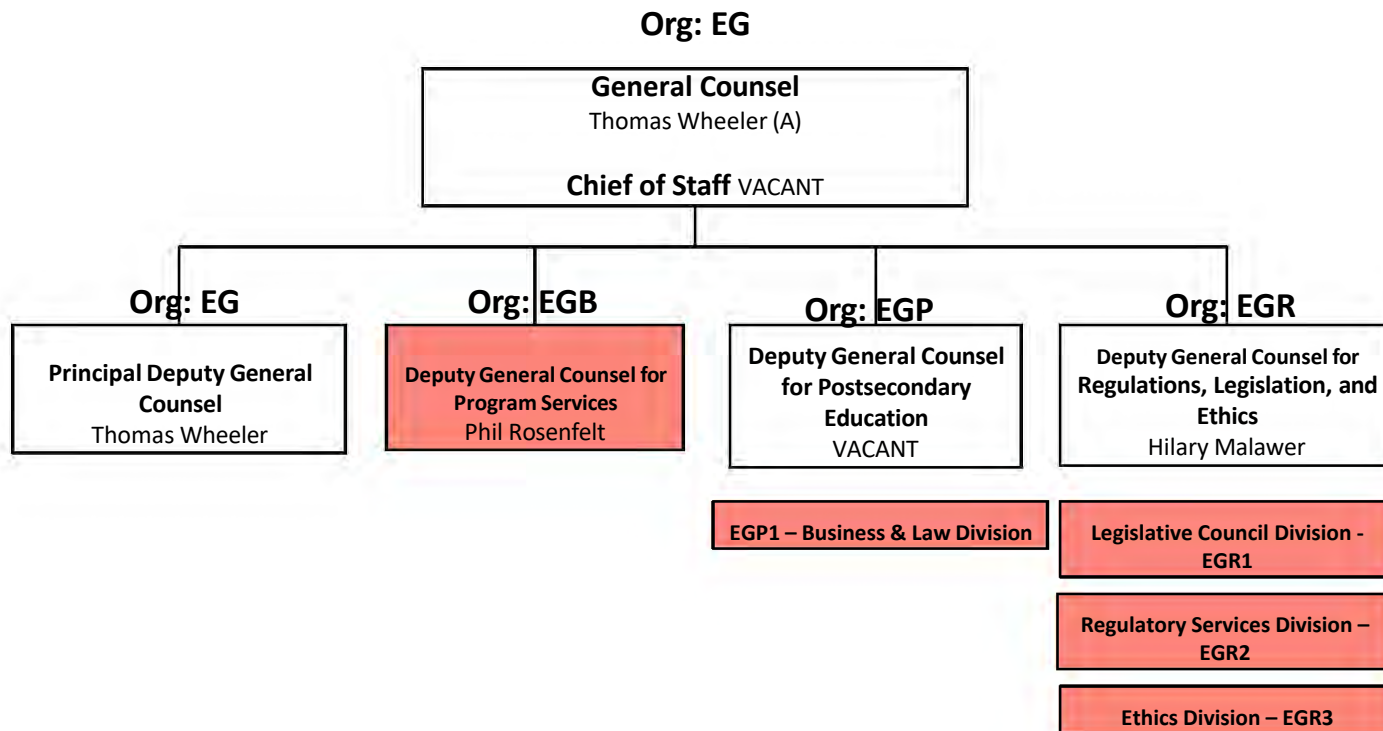
**Office of Planning, Evaluation and
Policy Development (OPEPD)**



Organizational Charts

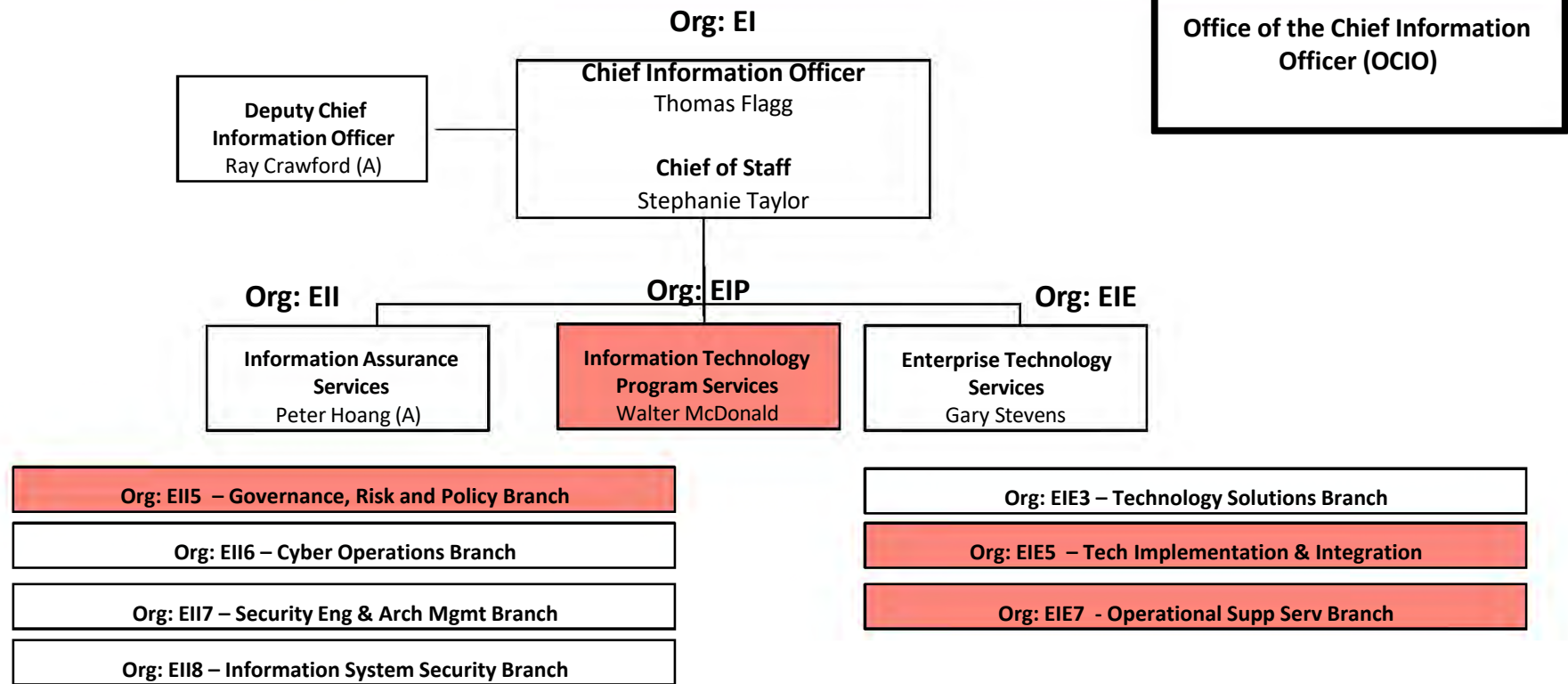
U.S. Department of Education

Office of the General Counsel (OGC)



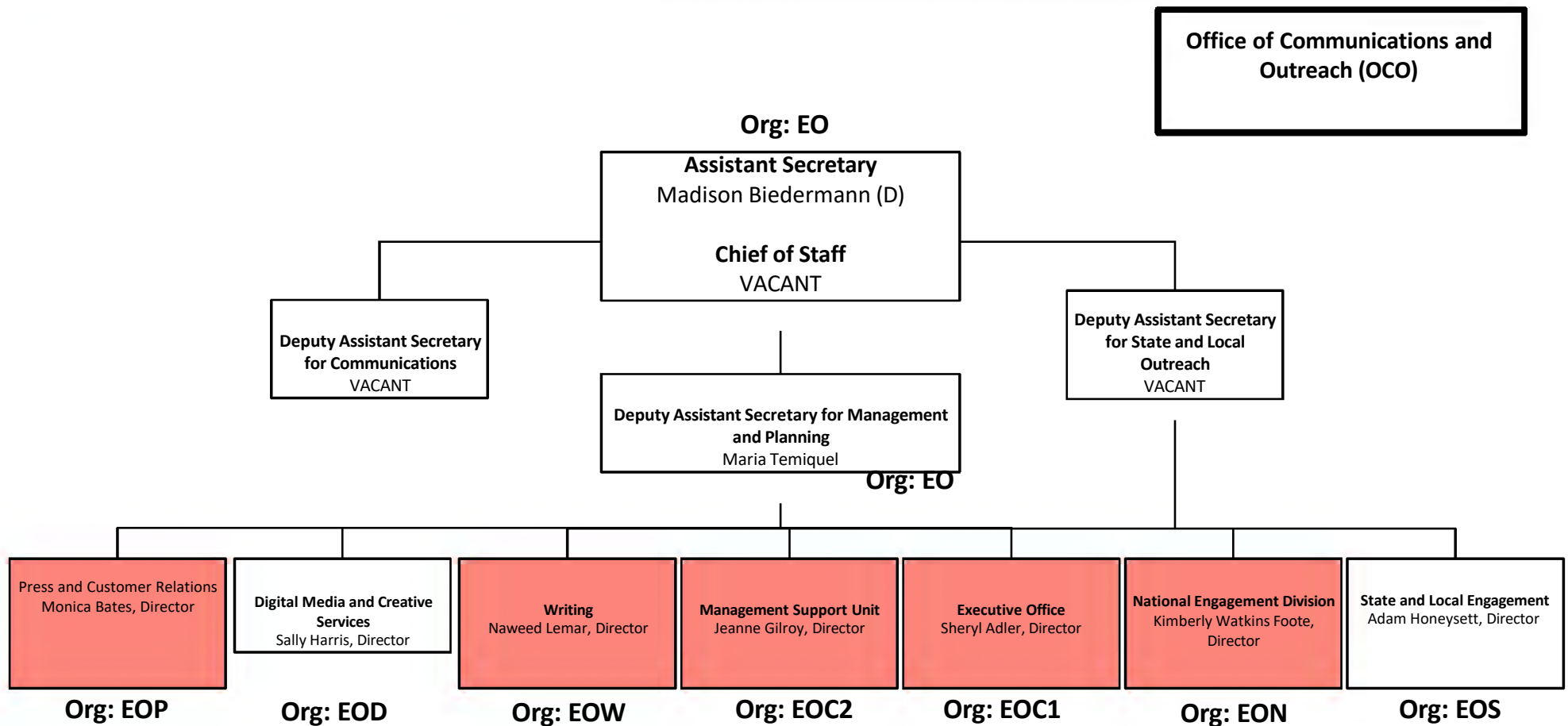
Organizational Charts

U.S. Department of Education

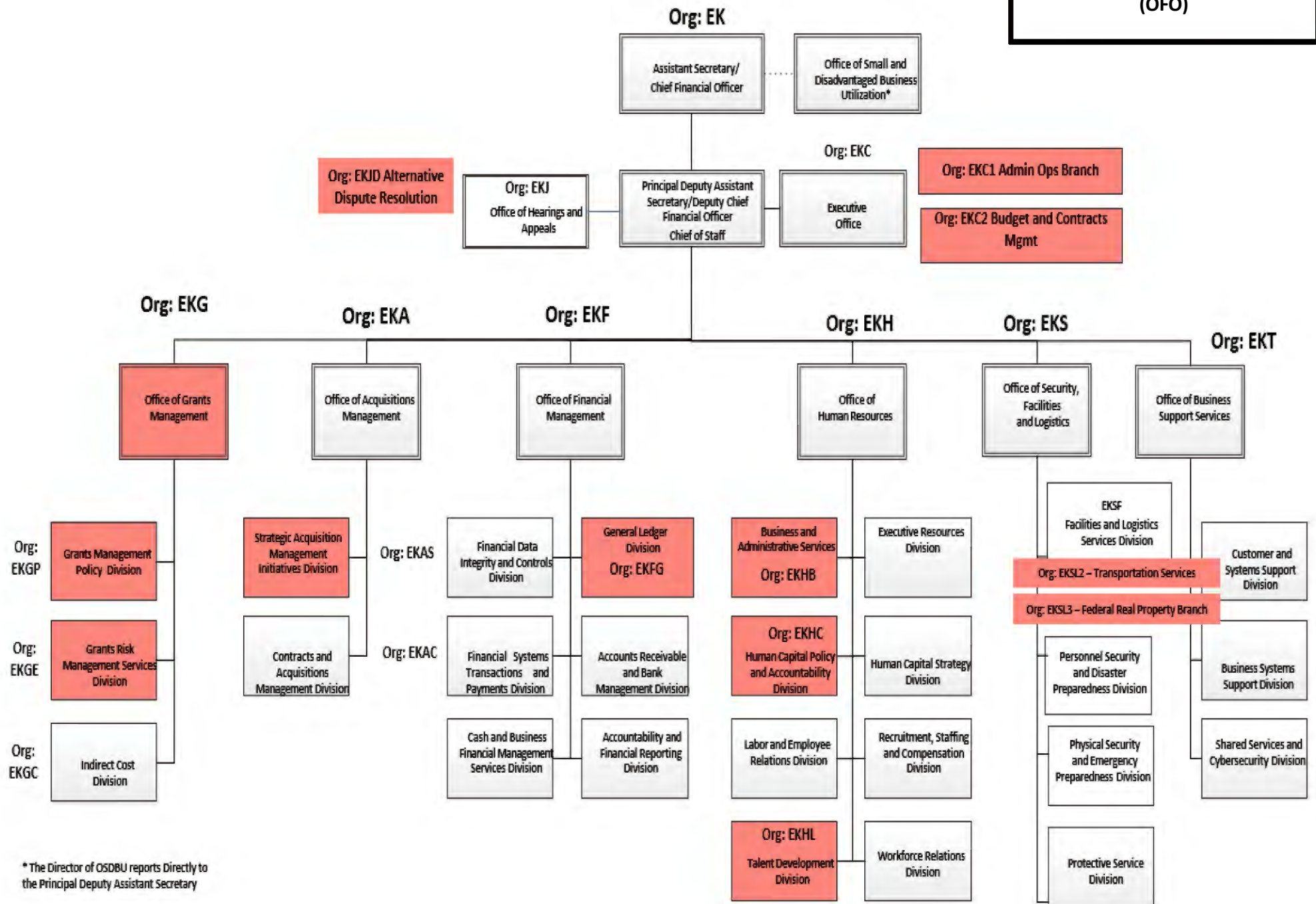


Organizational Charts

U.S. Department of Education

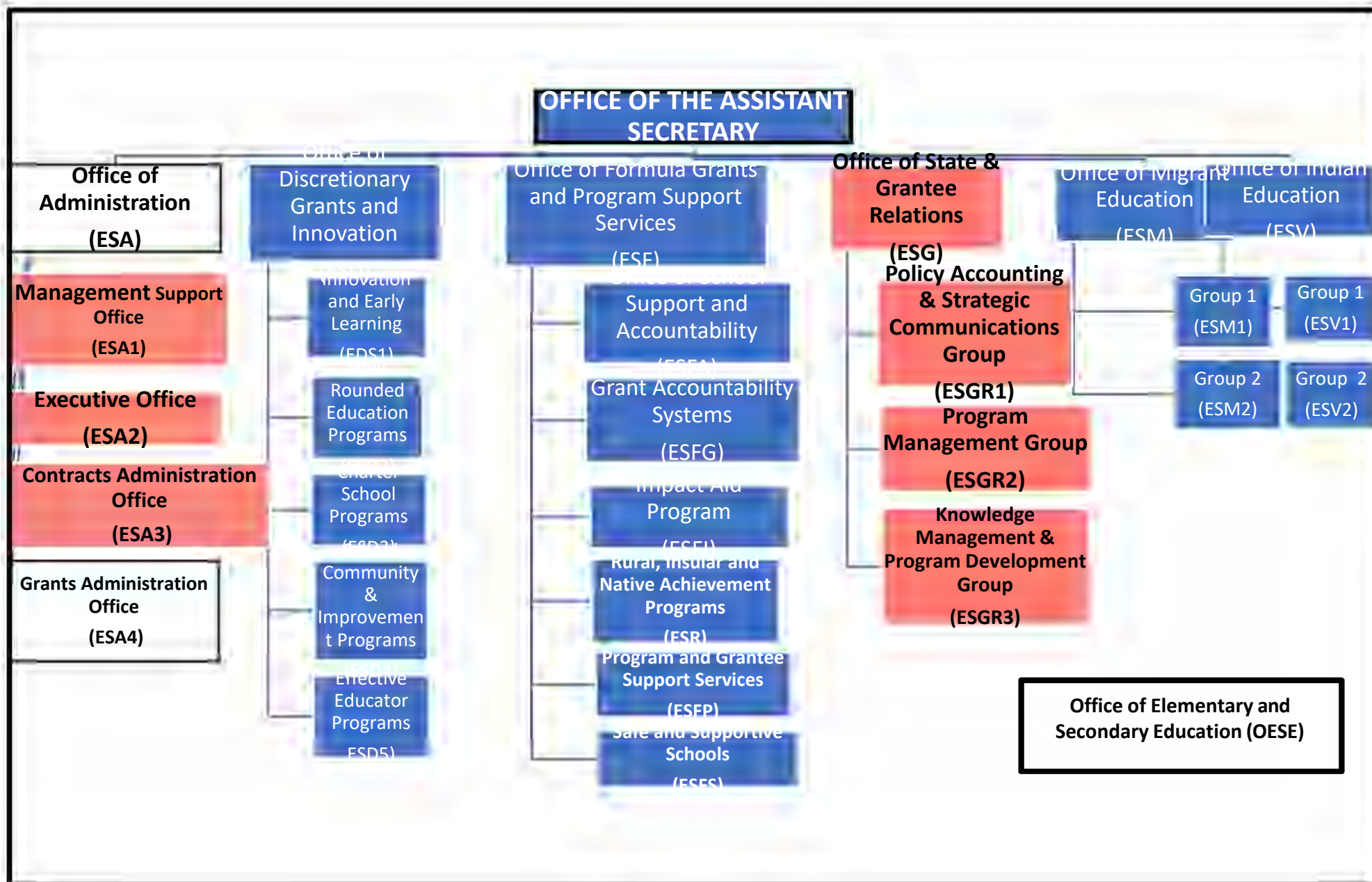


Office of Finance and Operations (OFO)



* The Director of OSDBU reports Directly to the Principal Deputy Assistant Secretary

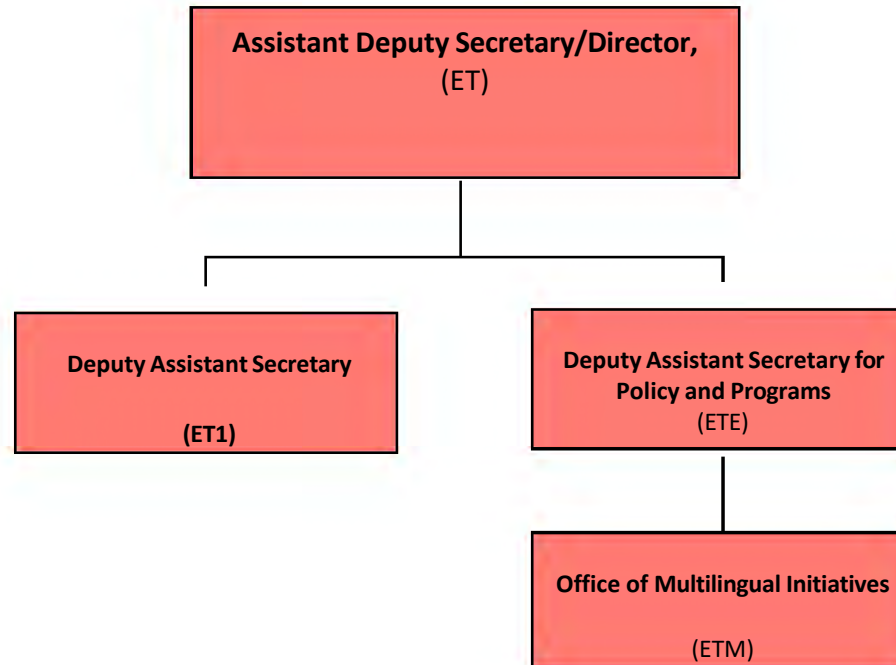
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION



Organizational Charts

U.S. Department of Education

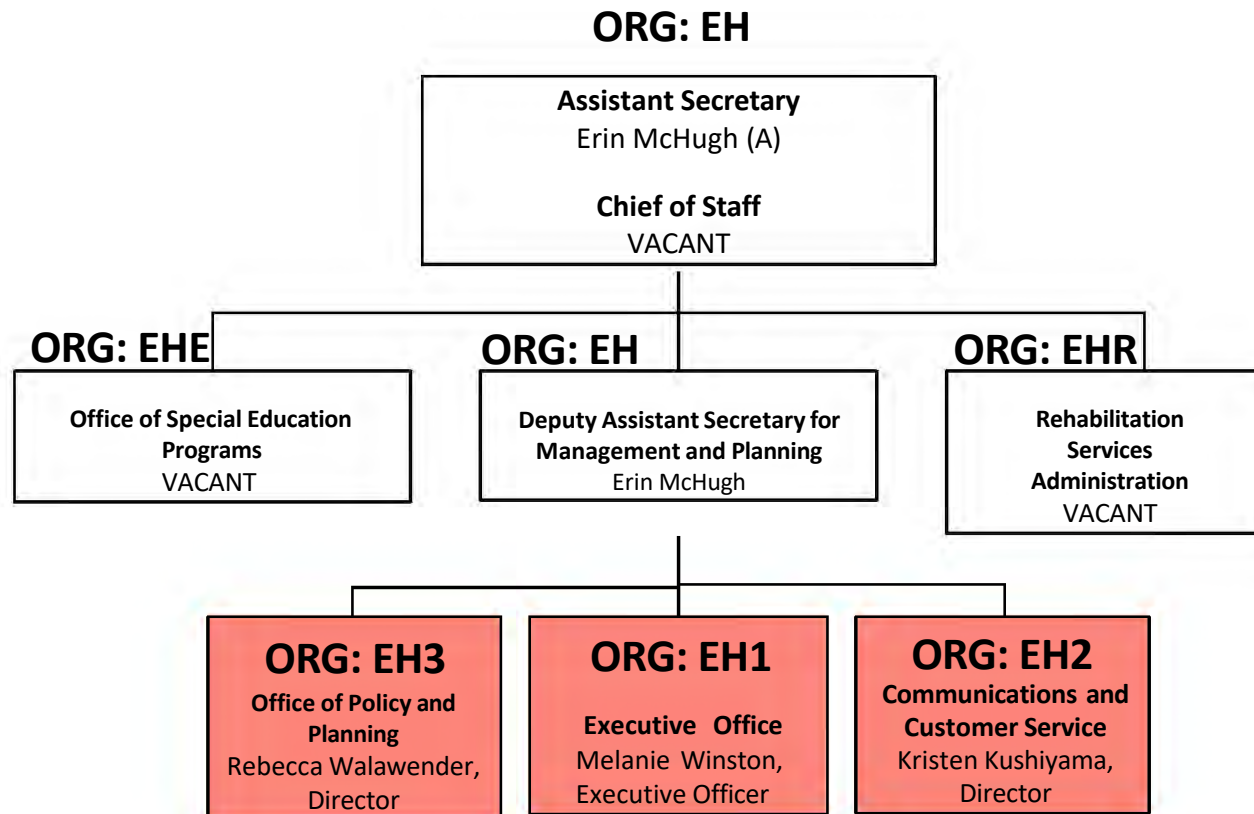
Office of English Language
Acquisition (OELA)



Organizational Charts

U.S. Department of Education

Office of Special Education and
Rehabilitative Services (OSERS)



Organizational Charts

U.S. Department of Education

Office of the Under
Secretary (OUS)

ORG: EE

Under Secretary

Office of Career, Technical & Adult
Education (OCTAE)
Gregory Fortelny (A)

Office of Postsecondary
Education (OPE)
James Bergeron (D)

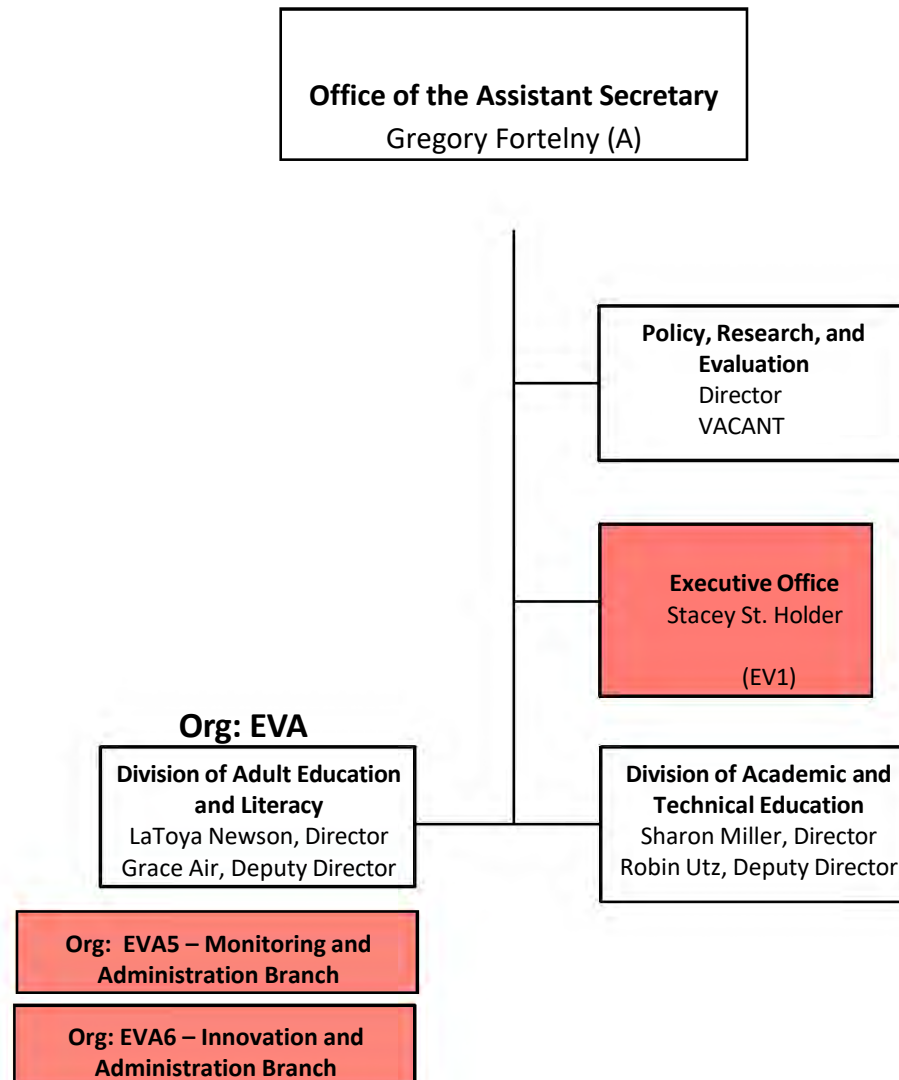
Federal Student Aid (FSA)
Denise Carter (D)



Organizational Charts

U.S. Department of Education

Office of Career, Technical, and
Adult Education (OCTAE)



For Official Use Only

February 2025

Office of Postsecondary Education

Office of Postsecondary Education
(OPE)Office of Postsecondary Education
(EP)

(EP)

James Bergeron (D)*

*Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Chief of Staff
(vacant)Management & Planning
(EP)

(EP)

Deputy Assistant Secretary

Tiwanda Burse

Executive Office
(EP1)Executive Officer
LaKisha ReidManagement Support Unit
(EP2)

(EP2)

Director
(vacant)Policy, Planning & Innovation
(EPA)

(EPA)

Deputy Assistant Secretary
Victor ShirleyInternational & Foreign Language Education
(EPF)

(EPF)

Deputy Assistant Secretary
(vacant)Higher Education Programs
(EPH)

(EPH)

Deputy Assistant Secretary
Gabby WellsPolicy Development, Analysis & Accreditation Service
(EPAE)

(EPAE)

Senior Director
Scott Prince
Administrative and Auxiliary Services
Director - Valerie LeforInternational & Foreign Language Education
(EPF)

(EPF)

Senior Director
Cheryl GibbsInstitutional Service
(EPHP)

(EPHP)

Senior Director
James Laws (Acting)Student Service
(EPHS)

(EPHS)

Senior Director
James Davis (Acting)Policy Coordination Group
(EPAES)

(EPAES)

Director
Tamy AbernathyPolicy Development Group
(EPAE2)

(EPAE2)

Director
(vacant)Accreditation Group
(EPAES)

(EPAES)

Director
Elizabeth DuggestPolicy Analysis & Forecasting Group
(EPAE4)

(EPAE4)

Director
(vacant)Special Initiatives Group
(EPAES)

(EPAES)

Director
(vacant)Advanced Training & Research
Group
(EPFR)

(EPFR)

Director

Sarah Beaton

International Studies Group
(EPFS)

(EPFS)

Director

Gary Lima

Institutional Group A
(EPHP1)

(EPHP1)

Director

James Laws

Institutional Group B
(EPHP2)

(EPHP2)

Director
(vacant)Institutional Group C
(EPHP3)

(EPHP3)

Director
Stacey SijepovicFund for the Improvement of
Postsecondary Education
(EPH4)

(EPH4)

Director
(vacant)Institutional Programs Development
Group
(EPHP5)

(EPHP5)

Director
(vacant)Student Group A
(EPHS1)

(EPHS1)

Director

Sharon Emswiler

Student Group B
(EPHS2)

(EPHS2)

Director

James Davis

Student Group B
(EPHS2)

(EPHS2)

Director
ReShawn MooreStudent Group C
(EPHS3)

(EPHS3)

Director
(vacant)Student Programs Development Group
(EPHS4)

(EPHS4)

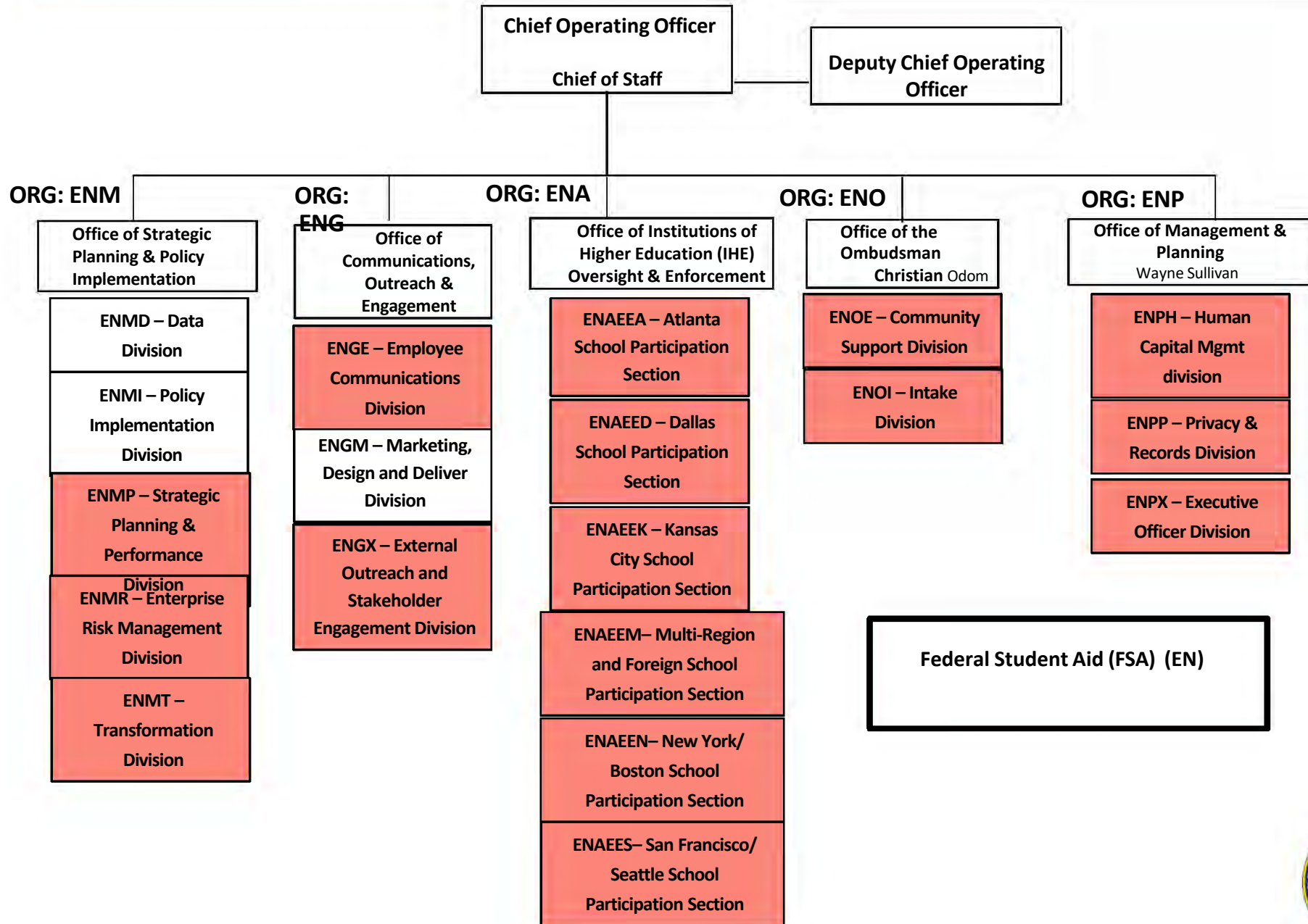
Director
Emory Morrison

Boards and Committees

Jacob K. Javits Fellow Program Fellowship Board
National Advisory Committee on Institutional Quality and Integrity: George Smith, Executive Director (reports
directly to Senior Director of Policy Development, Analysis & Accreditation Service)
National Committee on Foreign Medical Education and Accreditation: George Smith, Executive Director (reports
directly to Senior Director of Policy Development, Analysis & Accreditation Service)
Historically Black College and University Capital Financing Advisory Board: Donald Watson, Executive Director
(reports directly to Senior Director of Institutional Service)
National Board of the Fund for the Improvement of Postsecondary Education

Organizational Charts

U.S. Department of Education



Organizational Charts

U.S. Department of Education

Federal Student Aid (FSA) (EN)

Chief Operating Officer

Chief of Staff

Deputy Chief Operating Officer

ORG: ENI

Chief
Technology
OfficeENIM –
Product
Management
DivisionENIO –
Technology
Operations
DivisionENIT –
Technology
Services
Division

ORG: ENI

Office of Loan
Portfolio
ManagementENLP – Vendor
Performance
Division

ORG: ENF

Office of
Student Aid
Program
Management

ORG: ENH

Office of
Institutions of
Higher Education
(IHE) Program
ManagementENHS – IHR Support
Services Division

ORG: ENC

Office of
Customer Contact
Center
ManagementENCI – Institution
of Higher
Education (IHR)
Call Center
Operations
Division

ORG: ENJ

Office of Finance

ENJB – Budget
Division

ORG: ENS

Office of Strategic
Acquisitions
PlanningENSA – Office of
Strategic
Acquisition
PlanningENSP –
Acquisition Policy
& Modernization
DivisionENSR – Business
Requirement
Management
Division

EXHIBIT 3



AFGE Local 252 <info@afge252ed.org>

FW: CHCO - Notice to Employees Impacted by Reduction in Force (RIF)

AFGE Local 252 <info@afge252ed.org>
Draft

Mon, Mar 17, 2025 at 6:58 PM

From: Clay, Jacqueline <Jacqueline.Clay@ed.gov>
Sent: Tuesday, March 11, 2025 6:36 PM
To: CHCO <CHCO@ed.gov>
Subject: CHCO - Notice to Employees Impacted by Reduction in Force (RIF)

Dear Colleagues,

I am writing to share some difficult news. This email serves as notice that your organizational unit is being abolished along with all positions within the unit – including yours. Please note, if you elected to separate under another program e.g., Deferred Resignation Program, **Voluntary Early Retirement Authority (Early-Out)**, or **Voluntary Separation Incentive Payment (Buy-Out)**, you are NOT impacted by the Reduction in Force (RIF).

To provide you with the maximum opportunity to focus on your transition, you will be placed on paid administrative leave starting **Friday, March 21, 2025**.

- ***Please take immediate action to review and comply with the Instructions for Employees Impacted by the RIF (attached). This document contains important information regarding access to ED facilities, transitioning your work, and preparing for administrative leave.***
- ***Ensure your Principal Operating Component (POC) has your current mailing address, and a good personal phone number and email address to contact you.***
- During the transition period, you will retain limited equipment and systems access to enable official communications regarding your RIF standing. Please note:
 - You are only authorized to back-up your data to a network device or approved backup device.
 - You are prohibited from storing sensitive or mission-critical data on your systems' hard drive or handheld device.
 - All Department of Education system resources, including hardware, software programs, files, paper reports, and data are the sole property of the Department of Education, and there should be no expectation of privacy.

- You are prohibited from transmitting electronic copies of Department of Education materials to your home or other personal accounts.
- Personnel using remote access shall not download or store Government information on private equipment, optical or digital media.

- Unauthorized or improper use of this system may result in disciplinary action, as well as civil and criminal penalties.
- No earlier than 30 days from the date of this email you will receive your official RIF notice, which will begin an additional 60 days of paid administrative leave prior to your separation from the agency.
- This will give you a total of 90 days on paid leave to help facilitate your transition.
- Your official RIF notice will provide more detailed information on your specific benefits and standing and be delivered to your mailing address on file.
- You will only retain your Ed.gov email to facilitate communications with the agency through March 21, 2025.

ED has made the determination to initiate RIF procedures as part of the agency's restructuring process. These actions support Executive Order (EO) [14158](#), Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative, dated February 11, 2025 and Office of Personnel Management [Guidance on Agency RIF and Reorganization Plans](#), dated February 26, 2025. This decision is in no way a reflection of your performance or contributions, which we deeply appreciate.

I recognize that this is a challenging moment, and my team is committed to supporting you through this transition.

- For additional information about Reductions in Force, visit the Office of Personnel Management [RIF site](#).
- For general questions regarding next steps, please email workforcereshaping@ed.gov.
- For specific retirement or benefits questions, please contact benefits@ed.gov.
- Use the Employee Assistance Program, if needed. The [Employee Assistance Program \(EAP\)](#) and [WorkLife4You Program](#), provided by Federal Occupational Health (FOH), are available 24 hours a day, 7 days a week at 1-800-222-0364 (TTY: 1-888-262-7848) or at www.FOH4you.com or www.worklife4you.com.
- Should you lose access or need IT support, please contact the [Help Desk at \[ocioenterprisehelpdesk@ed.gov\]\(mailto:ocioenterprisehelpdesk@ed.gov\)](#); or call 202-708-HELP (202-708-4357) and select Option 2.

With regard,

Jacqueline Clay

Chief Human Capital Officer

Attachments:

Instructions for ED Employees Impacted by RIF

ED RIF Information and Resources

Benefits and Work/Life Email: Office Hours – Retirement Paperwork and Process